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SUBJECT: BHARAT BALLOT 09: Tytler Ruling Angers Sikhs, Congress
Votes at Risk

REF: A) New Delhi 559; B) New Delhi 567; C) New Delhi 522

¶1. (SBU) SUMMARY: On April 2, the GOI's Central Bureau of Investigation (CBI) cleared senior Congress leader Jagdish Tytler of his alleged role in the 1984 anti-Sikh riots in Delhi, in which at least 3,000 Sikhs died. The ruling comes as Tytler begins his campaign as the Congress Party's candidate in Northeast Delhi in upcoming April-May parliamentary elections (Ref. B). The CBI's Tytler decision has stirred political tensions as Sikh communities in Delhi and Punjab threaten to stage mass public protests if the controversial leader's name is not withdrawn from election contention. The emotive issue has the potential to negatively impact the Congress Party's chances in 21 parliamentary seats in the forthcoming hotly contested general elections. End summary.

CBI Exonerates Tytler

¶2. (U) The CBI had long been investigating Congress Party leader Jagdish Tyler's role in the 1984 anti-Sikh riots in which over 3,000 Sikhs were killed by mobs seeking to avenge the assassination of Indira Gandhi. The Nanavati Commission had fingered Tytler as one of the Congress Party leaders that led the murderous mobs and exhorted them to kill more Sikhs. In filing its "no-action" recommendation with the court on April 2, the CBI noted that the evidence of two witnesses it questioned is "inconsistent, unreliable and unworthy of credit." The Congress Party's March announcement of Tytler as one of its candidates for the forthcoming elections from a Delhi constituency had provoked criticism from the Sikh Community, the Bharatiya Janata Party and the Shiromani Akali Dal (SAD), the ruling party in Punjab (Ref. B). The CBI action this week fueled the protests to a new level.

CBI: "CONGRESS" BUREAU OF INVESTIGATION

¶3. (U) Opposition parties quickly and loudly condemned the CBI action. They accused the Congress Party of manipulating the CBI to exonerate Tytler. The Shiromani Akali Dal, an ally of the Bharatiya Janata Party (BJP), asserted that the CBI has been "misused" by the Congress. Punjab Chief Minister Prakash Singh Badal chastised the government for "ensuring [a] clean chit to the known killers of thousands of Sikhs, whom the Congress has decorated with party ticket of the parliamentary elections." SAD has promised to re-open the cases if the BJP-led National Democratic Alliance (NDA) returns to power at the center. It plans to take the matter to the Supreme Court. Senior BJP leader Balbir Punj contends that the "credibility

of the CBI is under cloud and the Congress has misused the agency."

¶4. (U) There have been other high profile cases where CBI actions have been construed by opposition political parties to be politically motivated. The CBI ruling in the Tytler case reinforces their allegations that the CBI is no longer functioning as an independent law enforcement body and is instead responding to Congress Party orders designed to give the party electoral advantage.

CBI FINDING CAUSES PROTESTS

¶5. (U) Sikhs in Delhi and the Punjab, in the meantime, have taken to the streets. Shortly after the CBI ruling, Sikh leaders Onkar Singh Thapar, Manjeet Singh GK and Avtar Singh Hit led protests in front of the All India Congress Committee (AICC) headquarters as well as Sonia Gandhi's residence in Delhi. The demonstrators burnt effigies of Tytler and Sajjan Kumar (another Congress leader who is also an accused in the 1984 anti-Sikh riots) in front of the AICC headquarters and raised slogans against Congress for nominating them for Lok Sabha seats in Delhi. They alleged that the two Congress leaders were involved in the 1984 anti-Sikh riots and their nomination should be withdrawn to respect the sentiments of Sikh community. Protesters tried to force entry into the Congress headquarters and were later detained by police. Smaller protests occurred throughout Punjab resulting in some instances of violence and arrests.

Congress Party Anxiety

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¶6. (SBU) Punjab Congress Party state legislator Sukhpal Singh Khaira, Punjab told POLOFF that the CBI action will have serious implications for the party in the forthcoming elections. He asserted that the Congress should have been careful before allocating a seat to Tytler and that the Congress high command should review the decision. Bir Devinder Singh, former Deputy Speaker of the Punjab Vidhan Sabha and a Sikh member of the All India Congress Committee has resigned in protest. He stated, "the CBI has done great harm to the Sikhs. Congress has again rubbed salt on the wounds of the Sikh community."

Comment: Political Fallout

¶7. (SBU) The Tytler matter will become a campaign issue as Punjab and Delhi go to the polls on May 7 and 13. Congress candidates could face some Sikh backlash in 21 constituencies: 13 from Punjab, seven from Delhi and one from Chandigarh. The Congress Party's prospects in Delhi and Punjab have looked positive (Ref. C). The CBI action will not by itself change the political landscape, but it could affect close seats with concentrations of large Sikh votes in the two states.

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